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Applicant or Patentee: Triarco Industries, Inc. Attorney's  
Application or Patent No.: 10/726,299 Docket No.: 01639.000014.  
Filed or Issued: December 1, 2003  
For: Inhibition of P. Acnes Using Botanical Extracts

STATEMENT CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN

I hereby state that I am

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the owner of the small business concern identified below:  
an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN Triarco Industries, Inc.  
ADDRESS OF 400 Hamburg Turnpike, Wayne, New Jersey 07470

I hereby state that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled Inhibition of P. Acnes Using Botanical Extracts by inventors Mark L. Anderson, Andres Menendez and Rodger E. Bogardus described in

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the specification filed herewith  
application no. 10/726,299, filed December 1, 2003  
patent no. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate statements are required from each named person, concern or organization having rights to the invention as to their status as small entities. (37 CFR 1.27)

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

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INDIVIDUAL

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SMALL BUSINESS CONCERN

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NONPROFIT ORGANIZATION

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

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INDIVIDUAL

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SMALL BUSINESS CONCERN

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NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

NAME OF PERSON SIGNING Rodger R. Rhode, Jr.

TITLE OF PERSON OTHER THAN OWNER President

ADDRESS OF PERSON SIGNING 400 Hamburg Turnpike, Wayne, New Jersey 07470

SIGNATURE \_\_\_\_\_ DATE 2/28/06